In The Matter Of:

DIAMOND HEAD OIL
SUPERFUND SITE

Hearing
July 22, 2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
PUBLIC MEETING

IN RE:
DIAMOND HEAD OIL SUPERFUND SITE

July 22, 2009
6:00 p.m.

Meeting held in the above-entitled matter at Kearny Town Hall, 402 Kearny Avenue, Kearny, New Jersey, before Linda A. Marino, Registered Professional Reporter, Certified Court Reporter, and Notary Public within and for the State of New Jersey.

PRESENT:

WANDA AYALA,
Community Involvement Coordinator, EPA

GRISELL V. DIAZ-COTTO,
Remedial Project Manager, EPA

OTHER REPRESENTATIVES:

ANDREW B. JUDD,
Hydrogeologist, CH2M Hill

CHUCK NACE,
Environmental Toxicoloist, EPA
JOHN PRINCE,
Section Chief, EPA

MS. AYALA: Good evening. My name is Wanda Ayala, and I am the Community Involvement Coordinator assigned to the Diamond Head Oil Superfund Site. I'm here tonight with John Prince, our Superfund manager; with Grisell Diaz-Cotto, who is the remedial project manager; with Chuck Nace, who's an EPA risk assessor; and with Andy Judd, who's a contractor for the site.

We're here to present the proposed plan for the Diamond Head Oil site, to discuss the preferred remedy for the site, to go over our recommendations for addressing the contamination, and to discuss our rationale for this recommendation.

The public comment period for this proposed plan started on July 14, and it's for thirty days and we are required to receive public comments. All comments will be duly noted tonight by our stenographer, Linda.

It is important that everyone here know that EPA's community

involvement program is committed to promoting communication between the public and the agency. Active public involvement and transparency is crucial to the success of any public project, and our community involvement activities at this site are designed to inform you, involve you, and include you in the decision making process since this is your community.

I'd like to thank you all for being here tonight. And I was going to set some ground rules, but since we have a public of two, I ask that if you have any questions, that you keep them until the end of the presentation. And whenever you ask a question, you need to state your name because Linda needs to record it. Federal regulations require that we have a transcript of this meeting to help us capture your input.

Now I'd like to turn it over to John, who will walk you through the Superfund process and information about the site.

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MR. PRINCE: Thank you, Wanda.
MS. AYALA: You're welcome.
MR. PRINCE: So, this first slide is a summary of the whole Superfund process, and we can get you a cut of it. And I'm not going to try and go through all the pieces because we don't need to talk about all the pieces. I'm going to hit on some of the highlights. And the print is too small anyway. So, we'll not try and do any more than is necessary.

So, let me tell you a little bit about Superfund. Congress, the U.S. Congress, created the Superfund program in 1980 to deal with uncontrolled releases of hazardous substances at many sites that have been identified in the past, say, ten years.

Prior to that, there were a number of states, including New Jersey, that already had kind of an infrastructure for dealing with hazardous waste sites, and, in fact, the Superfund law is modeled, at least in

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part, on law that already existed in New Jersey.

But that certainly wasn't the case across the country, so Congress wrote an unified set of instructions for EPA to have resources, enforcement authority, and expertise to start addressing these sites around the country. And then EPA ramped up to have the skills over the following years; the skills to actually be able to address these sites.

Superfund really has two functions; an emergency response function, and a long-term cleanup component. And we come in and address sites when we're invited. In other words, we don't make our own decisions, the states really say: Here's a problem that we feel is large and complex and maybe beyond our funding or staffing abilities.

And they invite us in.

For the Diamond Head site itself, we did not have any emergency response

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role. The site had been sitting idle for a number of years before New Jersey asked EPA to consider the site for listing in 2002.

Now, having been placed on the Superfund list doesn't mean that there needs to be a cleanup. What it means is that a site is — has enough unknown components and enough contamination that may or may not be, say, moving off of the site for EPA to need to come and do a study.

And, so, in this long-term cleanup phase, the first stage of our work is kind of an exhaustive study called the Remedial Investigation and Feasibility Study. That looks at the nature and extent of the contamination and then evaluates remedial options for cleaning it up.

I just want to touch on two other parts of the Superfund program, as opposed to all of these parts, and that is the enforcement component of the law and then how we actually select a

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remedy.

Superfund has very strong enforcement components that allow us to get information to identify potentially responsible parties, companies that might have done spilling or that sort of thing, and also allow us to pursue land owners under certain circumstances to either reimburse EPA for the cost of cleanup or, in some cases, have parties roped into a — some kind of an enforceable agreement, whereby we would oversee that party to actually perform the work.

In this case, EPA — the companies, rather, that had created the site in the first place were all out of business long before we got involved, and there really isn't an opportunity to that we know of there. And at the beginning of our investigation stage, when the site was first listed, we concluded that there really wasn't a viable party that could step in and do this work. So, the work's been done

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with — the work is being done using federal funds.

Now how we select a remedy, I'll touch on that, describe some details of the site, little of the site history, and then we'll move on to Grisell's portion of the presentation.

When EPA feels it has enough information about a site to proceed to select a remedy, Congress actually put a check on us; we can't just go and do that by ourselves, we need to prepare something called a Feasibility Study, which doesn't describe one option but actually looks at a variety of remedial choices for cleaning up the site.

And then we need to come and present that into a community in a written form — that's the proposed plan — and at a meeting like this so that we can get input. We then get that feedback in writing or recorded tonight and need to evaluate it.

And, using our preferred remedy and that information, we make a finding,

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something called a Record of Decision. That is a written document that memorializes the remedy for the site and any responses to the public's input that might have affected the remedy or, you know, our sort of response to that.

We do that in partnership with the State of New Jersey. They're our sister agency in this case. So, they have already seen and endorsed our preferred plan for the site.

So, let me switch gears. We're going to talk about the site itself. I'm going to refer to some figures, and we will start by putting ourselves on the street map.

This is — we'll get a better resolution in a minute, but this is Harrison Avenue and this is Route 280 along the bottom, and we are in a section of Kearny that is very sparsely populated and the nearest homes are probably about half a mile away.

This is bringing us in a little closer. Again, here's Route 280 on the

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bottom, here's Harrison Avenue, and the activities — which I'll bring up another picture in a minute — the activities of the site took place right here in the center.

This is an entrance ramp for 280, this is a place called the Campbell Foundry, and this is the relatively new Wal-Mart facility. Water, surface water, drains this way to something called Frank's Creek, which is right here, and Frank's Creek discharges into the Passaic River.

Now, this land was marshlands if you go back maybe two hundred years, and it has slowly been filled over time. It's generally been used as industrial property, including the facility that we are focussing on, and then landfills.

And the one other feature that I will point out because we're going to talk about it a little later is this landfill here, which is called the 1-D landfill. It's one of the MSLA landfills. It's about 95 acres, and

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it's just across 280 from the site.

Now we'll go one step closer and we're on to — you can look at these figures here or the figure up on the board. This is a current photograph. And by showing this piece, though, I don't want to mislead you; this is narrowing into a little parcel, but I don't want to give the impression that that's the whole of the site. That's the whole of the subject of tonight's meeting, but for reasons you'll see in a minute, our investigations have gone outside of this parcel.

This piece is about fifteen acres on the — the facility sat right here, on the sort of eastern edge of the lot. And there's a number of landfill pieces that — sort of surrounding the edges of it now. And we'll go through some history, and you'll learn a little bit about those.

So, I'm going to talk about — with regard to site history, I'll just talk about four things: I'll talk

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about, obviously, Diamond Head Oil Refinery; the neighboring landfilling businesses; the construction of I-280; and then sort of the end of the Diamond Head facility that took place in '79.

So, Diamond Head Oil Refinery was one of a number of companies that operated up and down the eastern — the East Coast of the United States that were in the business of collecting waste oil from gas stations and other places, and then reprocessing it through some magic into material that they could reuse. And they — these variety of companies, most of which were owned by essentially one entity, would send this waste oil to facilities like this.

And here is an aerial photograph from 1976, and here is about a four-acre piece of land that is just a little bit elevated that was the Diamond Head facility, which started operating in the 1940s and finished its run in 1979.

Now, the key feature from the point of view of this facility is,

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obviously, there's lots of tanks and businesses — the business' pieces of equipment. They would bring in this waste oil and they would re-refine it, which is essentially, we think, kind of sending it back to the refinery to sort it out into usable components. It seemed that most of it was going into a kind of heating oil and then being resold.

But what I want to point out is this black feature here, which runs quite a bit off of that fifteen-acre lot that you see above me. And it's essentially a mixture of oil and water. We call this the oil lake. It's about — it's been estimated that it was about six to seven acres in size.

We don't know exactly how it got there, whether they were actually storing some of this waste oil in this sort of open water area behind the facility or whether it was just sort of running out of their facility because it was sloppy or whether possibly they

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could refine certain of their waste oils into reusable products and then they just ended up with stuff they had to get rid of and maybe that's what this is. We don't really know. But, obviously, it's gone quite a distance from the original land.

So, I'm going to also point out one other feature here, and that is this — I'm going to run a line right down here, sort of top to bottom. This is that 1-D Landfill that I mentioned before, and this is an access road to get up onto that landfill. There's access roads on either end of it.

And, so, this end of that fifteen-acre lot is actually filled — sort of a long filled area, and it's pretty clear that this was — it was filled with municipal waste. We've done some test pitting, and it's pretty clear it's filled primarily with municipal waste, and they built it up so they could have access to the landfill.

Now, starting in 1976 and ending

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a couple years later, the New Jersey Department of Transportation began the construction of I-280, which now fills the southern end of our area of interest.

In 1976, they got to this part of the site and concluded that they actually owned quite a bit of this land where the oil lake was. They concluded they couldn't build on the oil lake. They had to get rid of it, so they paid to have it pumped out.

It took about, I think, ten months. It was somewhere in the neighborhood of eleven million gallons of oil and water that were removed. It was pumped into tanker trucks and taken to other facilities that did this sort of waste oil business.

When they got the lake pumped out, there was a layer of kind of a messy sludge at the bottom, and they concluded that they couldn't build on that either. So, that material was scraped off. It totalled approximately

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230,000 cubic yards of material. And from DOT's records from the time, they redeposited it in the ground in a couple of locations.

The largest piece is actually up on top of the 1-D landfill. There are several other — I'll refer to this finished picture over here. There is this landfill piece that I mentioned before; there may be some of that material in here, although we haven't seen it. And then there's something in this right-of-way to the highway that's actually owned by DOT that's a mound.

And we've done some sampling of it, and there is something that looks like sludge in it, so that apparently is where a good portion of that material went as well. And we still have some investigations of that material to do of our own to figure out whether we need to take an action with regard to that as well.

One of the comments that we've read in DOT's records contemporaneous

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with this activity was after the removal of the oil lake and after the removal of the sludge, they indicated that there was still a layer of this oily petroleum material in the ground, and it's that material that's really the focus of our action that we're discussing tonight. They saw it — they called it the underground oil lake. So, that's really what we're focussing in on with this action.

That's about all that I wanted to cover, except that Diamond Head, the company, closed down in 1979. The owner had some legal troubles about the same time, and we think that there's some connection between those two; the closure and his legal troubles. And the place was actually demolished a couple years later, and during that — it was really a cleanup, the first cleanup that took place at the site.

And during that work, some environmental samples were collected, and those environmental samples were the

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first evidence that — in the record that indicate that, in fact, what Diamond Head was bringing to the site wasn't just petroleum waste, it was some other things, with PCBs and other volatile components that were probably getting mixed into his products, and some of which, obviously, are — have ended up in the ground.

So, we're looking at, as a consequence, this relatively large area for the whole RI/FS. We're looking at the groundwater. We have a lot of information but need a little bit more on the soils in the whole of this area. And then we need to really understand about surface water, movement of this material over time, and whether there's a component of that.

But that's to come. Right now, we're focussing on really this one area, which Grisell is going to tell us about by describing the details of the RI/FS to date and what we found and then what our proposal is to address it.

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MS. DIAZ-COTTO: Good evening. I'm going to give you a preview of what I'll be presenting to you tonight.

The first thing I'll be discussing is the Remedial Investigation study to date, its findings and conclusions. Then I'll provide you with information with regarding the principal threat waste, the remedial objectives for this waste, and the risks attributable to the site.

Following, I'll explain the rationale for the remedial phases approach that we are following for the site. I will then proceed with the presentation of the remedial alternatives, the evaluation of these alternatives, and, finally, with the recommendation for the preferred alternative.

Let me start, however, with the definition of a term I'll be using throughout my presentation; LNAPL.

LNAPL stands for Light Nonaqueous Phase Liquids, which are liquids that

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are sparingly soluble in water and less dense than water. For example, oil is an LNAPL because it flows on top of water and does not mix with water.

In 2002, EPA began a Remedial Investigation to determine the nature and extent of the problems posed by the site. The Remedial Investigation studies to date have outlined, in addition to all the findings that I'll be discussing later, two areas of potential source areas where LNAPL may be continuing to release contamination to the environment.

This area is outlined in red. The processing section of the site, once containing two buildings, multiple above-ground storage tanks, as you can see there, drum storage areas, and possibly underground feeds. And second, the remnants of the oil lake, estimated in 1977 took over an area of six to seven acres, located over the southern section of the site and extending outside the site's fenced boundaries to

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the east and south.

There is evidence of oil contamination in nearly every boring installed within the fifteen-acre fenced property and in many borings to the southeast. Because of this layer of oil contamination across the site, the RI studies performed to date have used a number of different methods to document the nature and extent of the LNAPL and to identify the more severely contaminated areas of the site.

Using these meters, several characteristics of the LNAPL were established. First, LNAPL is present in the subsurface throughout most of the investigated area, albeit under substantial variation and concentration across the site.

Second, LNAPL was measured in wells in three areas of the site; one in the former process area, and two within the footprint of the oil lake. This means that when the well cap is moved, we find a thick layer of oil rather than

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water.

Third, the vertical distribution of LNAPL exists at two intervals; first at the water table approximately two feet below ground surface, and, second, as distinct deeper internal depths at ten to sixteen feet below ground surface within the silted soil. However, the bulk of LNAPL-containing soil is located near the water table within the filled layer.

Many of those compounds were found in the LNAPL, including benzene and other petroleum compounds, PCBs, and a variety of metals. Within the LNAPL, there are pockets of less weathered LNAPL of a high saturation that present a leaching concern to groundwater. These are LNAPL areas that may be considered to present a risk for leaching contaminants to groundwater. This highly contaminated material is what we are focussing on with this proposed action.

In addition to the LNAPL findings

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discussed before, the remedial investigation found soil, groundwater, sediment, and surface water contamination attributable to the site.

Evidence based on site-specific data concluded that LNAPL detected at the site was separated into areas where LNAPL material is considered to represent a principal threat and areas where LNAPL can be considered to be a lower level threat and for which appropriate measures will be considered in future feasibility studies.

The total area of the principal threat of LNAPL is roughly 176,000 square feet, a volume of 45,825 cubic yards, including 2,593 cubic yards where LNAPL floating product is found in wells constitutes the principal threat LNAPL.

Remedial action objectives, which are a general description of what the response action is expected to accomplish, were developed for the principal threat LNAPL wastes to address the human health risks and environmental

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concerns of the Diamond Head Oil Site.
The focus of this early action is
to address LNAPL that constitutes a
principal threat at the site. The
principal threat LNAPL is physically
similar to free oil product. Oil
products are toxic to ecological
receptors and humans through direct
contact, incidental ingestion, and
inhalation pathways.
Potential exposure to ecological
receptors and humans from the high
concentration LNAPL that is present at
the site could result in adverse health
effects. It is, therefore, important
that steps be taking taken to eliminate
or reduce the level of LNAPL at the
site.
Reducing or eliminating the LNAPL
at the site would reduce potential
exposure to free product, and that's an
important early step in managing the
site risk. However, it is not expected
to eliminate the overall risks and
hazards to ecological receptors or

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humans because of residual contamination
that will remain on the site. This
residual contamination will be addressed
in subsequent actions and will be
accompanied by full ecological and human
health risk assessments.
In addition to removing the
potential exposure of LNAPL at the site,
reducing or eliminating the LNAPL will
also limit the potential migration,
which would aid in investigating and
selecting a remedy for the remainder of
the site.
The first operable unit has been
identified as an early action to address
a principal threat LNAPL. A second
Operable Unit will address residual soil
contamination attributable to the site,
including lower level threat LNAPL, the
on-site landfilled area, the I-280
right-of-way berms, and groundwater and
sediment contamination.
Site studies are ongoing. For
example, new groundwater monitoring
wells were installed earlier in 2009 on

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a number of neighboring properties to
fully assess the extent of the
groundwater problems posed by the site.
Field investigations for the
comprehensive Remedial Investigation of
the site are expected to be complete in
2010, at which time EPA can proceed with
evaluating remedial alternatives for the
entire site.
While further studies of the
landfill site are required, the history
of site activities and the test trenches
already installed support EPA's
conclusion that the landfill is not a
source of LNAPL.
Now let's go to the remedial
alternatives for the site.
The Superfund program requires
that the no action alternative be
considered as a baseline for comparison
for the other alternatives. The no
further action alternative does not
include any physical remedial measures
beyond those response actions already
completed that address the LNAPL

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contamination at the site.
Because this alternative will
result in contaminants remaining on the
site above health-based level, CERCLA
requires that the site be reviewed every
five years. If justified by the review,
remedial actions may be implemented to
remove or treat the wastes.
The second alternative is on-site
biocell. Under this alternative, the
remedial target areas would be isolated
with a sheet pile wall and the principal
threat LNAPL areas excavated. Some of
this material would be removed for
off-site disposal. The remaining
excavated material would be augmented
with nutrients and bulking agents to
enhance permeability and the conditions
for biological activity.
The area within the sheet pile
walls would be converted into a biocell
by installing piping to supply air and
distribute nutrient additives, along
with a collection system for air and
water that may accumulate in the

biocell. The augmented LNAPL material would be placed in the biocell for treatment and capped.

After performance sampling and final confirmation sampling to demonstrate that the LNAPL wastes have been destroyed through biological degradation, the biocell components will be dismantled. Areas where a measurable layer of floating LNAPL product is found in monitoring wells may not be amenable to effect treatment in the biocell. These areas will, therefore, be excavated and transported for off-site disposal.

Soil washing. Under this alternative, the remedial target areas would be isolated with a sheet pile wall and principal threat LNAPL areas excavated. The excavated material would then be treated on site using soil washing.

The excavated soils and LNAPL wastes would be placed in a slurry reactor vessel and combined with a

washing fluid that would wash the LNAPL from the soil particles. This technology requires a water treatment facility to treat the LNAPL and contaminants of concern in the washing fluid so it can be reused. The treated soil material would be tested for compliance with the cleanup goals and returned to the excavated areas.

As with Alternative 2, areas where a measurable layer of floating LNAPL product is found in monitoring wells may not be amenable to soil washing, and this alternative assumes that these areas will be excavated, treated as necessary, and transported for off-site disposal.

While this alternative, like Alternative 2, would result in contaminants remaining within the remedial target areas above health-based level, this action is expected to address the principal threat LNAPL as a final action. A subsequent Record of Decision will be required to make a

final determination about the underlying constituents that will remain within the treated soil.

Therefore, the need for a review of the site every five years will be made at that time. If justified by the Remedial Investigation, additional remedial actions may be implemented to remove or treat such wastes.

The fourth alternative, excavation and off-site disposal. Under this one, the remedial target areas would be isolated with a sheet pile wall and the principal threat LNAPL areas excavated.

As with Alternatives 2 and 3, dewatering will be required prior to excavation, and the removal water would need to be treated prior to discharge. The excavated material will then be stabilized on site to allow for transportation for off-site disposal. The excavated areas will then be backfilled with clean fill.

Sampling would be performed

during remedial design to delineate the extent of the remedial target areas, but no performance monitoring would be required. The Feasibility Study estimates that this alternative could be implemented in approximately one year.

Nine criteria, as you see there: Overall protectiveness of human health and the environment; long-term effectiveness, short-term effectiveness; implementability; cost; and the rest. They're used to evaluate the different remediation alternatives individually and against each other in order to select a remedy. They provide profile their relative performance of each alternative against the nine criteria, noting how it compares to the other options under consideration.

Once the alternatives have been fully described and individually assessed against the nine criteria, a comparative analysis is conducted to evaluate the relative performance of the alternatives in relation to each

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specific evaluation criteria.
The purpose of this comparative analysis is to identify the advantages and disadvantages of each alternative relative to one another so the tradeoffs that will have to be balanced to select a remedy are fully understood.
The proposed plan that you have a copy of outlines this process, the process that we went through, in selecting an alternative; however, a full presentation of both individual and comparative analysis of alternatives is included in the feasibility studies for this site.
Based on this evaluation of the various alternatives, EPA and the New Jersey Department of Environmental Protection recommend Alternative 2, the on-site biocell along with excavation and off-site disposal of the more highly contaminated material as a preferred alternative to address the principal threat LNAPL.
I will in a moment ask Andrew

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Judd to present you with the technical details of the preferred alternative.
However, I would like to remind you that although this first operable unit has been identified as an early action to address the principal threat LNAPL, a second operable unit for which studies are ongoing will address residual soil contamination attributed to the site, including lower level threat LNAPL, the on-site landfill area, the right-of-way berms, and groundwater and sediment contamination.
MR. PRINCE: Wanda, let's have — any parts of Andy's presentation that come up as response to questions, we'll have him present that.
Why don't we open the floor?
MS. AYALA: So, we'll open up the floor to questions and comments.
MR. BARONE: You said Alternative 2, right?
MS. AYALA: State your name.
MR. BARONE: My name is Joe Barone.

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Just so I understand, Alternative 2 is an on-site cleanup?
MR. PRINCE: Yes.
MR. BARONE: And then you said there's some areas that you would send for outside disposal.
What areas would that be?
MR. PRINCE: The material that — the 45,000 yards that we identified that constituted this sort of worst part of the site, there are certain sections of it that are essentially pure oil.
And bioremediation is kind of the standard method of dealing with petroleum-contaminated sites. Even though there are lots of contaminants on this site, this action is primarily focussing in on that flowing material or that more highly contaminated material, and it's a lot of petroleum.
So, we think that bioremediation or this biocell is the best fit for the site. But because some of it is so heavily contaminated, we think it will actually slow the whole process down and

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stretch it out a bit. So, as a way to sort of balance that out, our plan is to pull the worst of it out and then — it's still a pretty large quantity, but a relatively large quantity would then be subject to this biocell treatment on the site.
So, how much is that? It's probably at least that 3,000 yards of material that's around those couple of wells where there's literally — you know, you open the well cap and there's five or six feet of oil and water because there's so much oil in the ground there.
MR. BARONE: And what type of place would you send it to, a landfill?
MR. PRINCE: It would go to a facility — it would need to be solidified first, because we couldn't ship a liquid waste like that, and there would be a component of it that would be liquid waste. And then EPA has regulations governing the disposal of that sort of material.

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My guess is that it might have to go to a hazardous waste landfill and may require treatment before it can even get into that landfill. But we won't know that until we actually —

MR. BARONE: So, a TSDF first and then to a landfill?

MR. PRINCE: It would probably go to Subtitle C facility that could have the treatment component right there and then put in the landfill. We're not certain — there is some hot — you seem to know something about the structure construction of landfill.

MR. BARONE: A little bit.

MR. PRINCE: So, let me speak to that.

There is a possibility that you could take this contaminated soil, ship it to a facility off the site, have it treated, have it meet the standards for putting it into a Subtitle D landfill, but that would require us to find some off-site treatment facility, ship it there, get it treated there, and then

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send it to another place to have it disposed of.

And our experience with that multiple step process is it makes more sense to just send it to a place where you could treat it and put it in the ground right there.

MR. BARONE: There's no concern about metals?

MR. PRINCE: I suspect that when we test this material to determine what to do with it for off-site disposal, metals will probably not be a determining factor.

MR. BARONE: Thank you.

MS. AYALA: Any other questions? Comments?

MR. BARONE: You said something about PCBs.

What kind of levels are we talking about?

MR. PRINCE: Andy, what's the highest level of PCBs we've seen?

MR. JUDD: Generally, low. Numerically, it's in the less than a

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hundred and tens range.

MR. BARONE: So, it's not TANSLA regulated?

MR. PRINCE: No, for disposal, it wouldn't be TANSLA regulated, and for managing the site it wouldn't require us...

MR. JUDD: At very few locations also across the fifteen acres we've evaluated; less than ten locations, I think less than five locations we have found PCBs.

MR. BARONE: All right.

MR. PRINCE: These earlier samples that I mentioned collected in the early eighties, when the facility came down, there's tons of wastes that were removed at the time, and quite a bit of it had PCBs in it.

So, it's possible that some of them — some of the higher level material went off at that time. We don't know.

MR. BARONE: That's it. That's all I have.

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MS. AYALA: Any other questions? Comments?

This concludes our public meeting. Thank you for coming. Have a good night.

(Time noted: 6:48 p.m.)

CERTIFICATE

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

I, LINDA A. MARINO, a Registered Professional Reporter, Certified Court Reporter, and Notary Public within and for the State of New York do hereby certify:

I reported the proceedings in the within-entitled matter to the best of my ability, and that the within transcript is a true record of such proceedings.

I further certify that I am not related, by blood or marriage, to any of the parties in this matter and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____ 2009.

LINDA A. MARINO, RPR, CCR

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